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JRB: USAO 2021R00543

USDC- GREENBELT
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

BRIAN PATRICK WERTH,

Defendant

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CRIMINAL NO. TDC-21-362

(Production of Child Pornography,
18 U.S.C. § 2251(a); Coercion and
Enticement of a Minor, 18 U.S.C.
§ 2422(b); Forfeiture, 18 U.S.C. §§ 2253
& 2428, 21 U.S.C. § 853(p))

SUPERSEDING INDICTMENT

COUNT ONE

(Production of Child Pornography)

The Grand Jury for the District of Maryland charges that:

Between at least in or about January 2021 and in or about June 2021, in the District of Maryland and elsewhere, the defendant,

BRIAN PATRICK WERTH,

did knowingly employ, use, persuade, induce, entice, and coerce a minor, Victim A, to engage in any sexually explicit conduct as defined in 18 U.S.C. § 2256(2), or attempt to do so, for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT TWO
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about March 31, 2021, in the District of Maryland and elsewhere, the defendant,

BRIAN PATRICK WERTH,

did knowingly employ, use, persuade, induce, entice, and coerce a minor, Victim B, to engage in any sexually explicit conduct as defined in 18 U.S.C. § 2256(2), or attempt to do so, for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT THREE
(Coercion and Enticement of a Minor)

The Grand Jury for the District of Maryland further charges that:

On or about May 15, 2021, in the District of Maryland and elsewhere, the defendant,

BRIAN PATRICK WERTH,

using any facility and means of interstate and foreign commerce, did knowingly persuade, induce, entice, and coerce any individual who had not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, namely, production of child pornography, in violation of 18 U.S.C. § 2251(a).

18 U.S.C. § 2422(b)

COUNT FOUR
(Crime by Registered Sex Offender)

The Grand Jury for the District of Maryland further charges that:

Between at least in or about January 2021 and in or about June 2021, in the District of Maryland and elsewhere, the defendant,

BRIAN PATRICK WERTH,

an individual required by Federal or other law to register as a sex offender, committed a felony offense involving a minor under Title 18, United States Code, Sections 2251 and 2422.

18 U.S.C. § 2260A

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Federal Rule of Criminal Procedure 33.2, notice is hereby given to the defendant that the United States of America will seek forfeiture as part of any sentence in accordance with 18 U.S.C. §§ 2253, 2428 and 21 U.S.C. § 853(p) as a result of the defendant's conviction of the offenses charged in Counts One, Two and Three of this Superseding Indictment.

Production of Child Pornography Forfeiture

2. Pursuant to 18 U.S.C. § 2253, upon conviction of the offenses set forth in Counts One or Two of this Superseding Indictment, in violation of 18 U.S.C. § 2251, the defendant,

BRIAN PATRICK WERTH,

shall forfeit to the United States of America:

a. Any visual depiction described in 18 U.S.C. §§ 2251 and 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

Coercion and Enticement Forfeiture

3. Pursuant to 18 U.S.C. § 2428, upon conviction of the offense set forth in Count Three of this Superseding Indictment, in violation of 18 U.S.C. § 2422(b), the defendant

BRIAN PATRICK WERTH,

shall forfeit to the United States of America:

- a. Any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such offense; and
- b. Any property, real or personal, constituting or derived from any proceeds that the defendant obtained, directly or indirectly, as a result of such offense.

Substitute Assets

4. If, as a result of any act or omission of the defendant, any of the property described above:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property up to the value of the forfeitable property described above, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).

18 U.S.C. § 2253
18 U.S.C. § 2428
21 U.S.C. § 853(p)

Erek L. Barron / JMB
Erek L. Barron
United States Attorney

A TRUE BILL.
SIGNATURE REDACTED

Foreperson

Date: June 29, 2022